

# State Supreme Court to decide: Can a business refuse service because of the owner's religion?

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It's a case that's inspired intense news coverage, one that's led to fierce debate about religious freedom versus protection from discrimination, and one that could have far-reaching legal implications.

And on Tuesday, more than 3 1/2 years after it was set in motion by an interaction in a Richland floral shop, the Arlene's Flowers case heads to the Washington State Supreme Court.

Oral arguments start at 9 a.m. at Bellevue College.

Attorneys for both sides will be on hand, along with supporters, journalists and the three people at the heart of the case — Barronelle Stutzman, who owns the shop on Lee Boulevard, and Robert Ingersoll and Curt Freed, the same-sex couple who wanted flower arrangements for their wedding.

Stutzman was not available for an interview Monday, but Kerri Kupec, one of her attorneys, said her team is optimistic.

"The First Amendment so clearly protects freedom of religion. This is a very clear-cut constitutional case," said Kupec, who's with Alliance Defending Freedom.

Ingersoll and Freed also are optimistic. They're on the right side of the law, they told the Herald in a phone interview.

"Discrimination isn't acceptable in the state of Washington. Using religion as a way to (discriminate) is not acceptable," Ingersoll said.

Freed agreed. "We've had 3 1/2 -going-on-4 years to reflect on what's happened and things that have been said and done," he said. "Time and reflection has confirmed even more for us that this is not (something) we want anyone else to have to face in their lifetime."

The case dates to 2013, when Ingersoll — a longtime customer — went to Stutzman's shop to talk flowers for his upcoming wedding to Freed.

Stutzman wasn't there, so Ingersoll came back the next day. When he did, Stutzman told him she "couldn't do his wedding" because of her relationship with Jesus Christ.

She's a Christian from the Southern Baptist tradition.

The state Attorney General's office sued in April of that year, after first sending Stutzman a letter asking her to follow the law. Ingersoll and Freed also filed suit.

The state and the couple said Stutzman clearly violated state anti-discrimination law and the Consumer Protection Act.

Stutzman's attorneys argued she declined her services not because of the couple's sexual orientation, but because of her religious views on marriage. She has the right to free speech and exercise of religion, they said.

In February 2015, a Benton County Superior Court judge sided with the state and the couple, ruling that Stutzman broke the law.

"For over 135 years, the Supreme Court of the United States has held that laws may prohibit religiously motivated action, as opposed to belief. In trade and commerce, and more particularly when seeking to prevent discrimination in public accommodations, the Courts have confirmed the power of the Legislative Branch to prohibit conduct it deems discriminatory, even where the motivation for that conduct is grounded in religious belief," Judge Alex Ekstrom wrote in his decision.

Stutzman appealed to the state Supreme Court.

In an op-ed piece in The Seattle Times last year, she wrote that explaining her decision to Ingersoll was one of the hardest things she's ever done. But, "as a Christian, weddings have a particular significance" and she "just couldn't see a way clear in my heart to honor God with the talents He has given me by going against the word He has given us," she wrote.

Ingersoll and Freed said Stutzman's refusal was painful and demeaning.

They'd envisioned a wedding with about 100 guests, but they felt fearful other vendors would have the same response. They ended up marrying at home, before about 10 people.

And being such visible parts of such a high-profile and divisive case has been difficult at times. They've received many words of support, but also weathered hurtful criticism and felt unsafe at times.

"We don't feel like we're able to have anonymity in our lives. People find us. They've mailed us directly," Freed said. "In the last several years, we've had to take serious security measures to feel safe."

Still, they've pressed on because it's important, they said.

"This has not been an easy process. We've experienced our own ramifications and challenges. We're not doing it for money or fame. When it comes down to it, we think it's the right thing to do," Freed said.

"You never imagine being part of something like this. It just happens, and you happen to be there," Ingersoll added. "Our choices, more than anything, really show who we are. It's an important choice for us to follow this through and be on the right side of history."

The state Supreme Court won't make a decision Tuesday. That could take months or more.